



# Jewish War Veterans of the United States of America

COMMISSION - Chartered By an Act of Congress

1811 R Street, N.W. • Washington, DC 20009 • (202) 265-6280 FAX (202) 234-5662 • email: [jwv@erols.com](mailto:jwv@erols.com)

September 23, 1998

F. Andrew Turley Esq.  
Supervisory Attorney  
Central Enforcement Docket  
Federal Election Committee  
999 E. St. N.W.  
Washington, D.C., 20843

Re: MUR 4801

Dear Sir;

This will respond to your letter of September 3, 1998, addressed to our organization. Please be advised that I am the National Judge Advocate, and am enclosing the "Statement of Designation of Counsel", executed by Michael Berman the National Commander.

**This response to the complaint, is set forth as follows:**

1. The Parties
2. The Facts
3. The Evidence
4. Prayer for Relief

## THE PARTIES

**U.S. Senator Harry Reid -Dem.- Nevada            -(Reid)**

**U.S. Rep. John Ensign -Rep.- Nevada    -(Ensign)**

**National Council of Senior Citizens         -(NCSC)**

**Nevada State Council of Senior Citizens      -(NSCSC)**

**Jonathon Levenson, Pres. of the Clark County (Nev)Chapter #04530 National Council of Senior Citizens**

**-(Levenson)**

**Charles T. Kandell Post #711(Nev) Jewish War Veterans of the USA    -(JWV)**

**Jewish War Veterans of the U.S.A.                      -(JWVUSA)**

## THE FACTS

Late in June 1998, the NCSC, awarded Reid, "Hero" status, for his key votes on Seniors issues. It was awarded at a press conference on Las Vegas. Press releases were sent to all interested organizations, including the Associated Press and local newspapers. Ensign, was *not* similarly awarded, and he issued his own press release. The press release Reid and accompanying story, were published in the July Newsletter of the JWV. Levenson, took issue with the position taken by his superior organization, and wrote a letter to JWV of his opposition, which was reproduced in the August Bulletin of the JWV.

Levenson wrote another letter, on August 18, 1998, to Reid, voicing his displeasure with the Senator. A copy of that letter was sent to the FEC and to the JWV in care of the JWVUSA. That letter, resulted in the creation of File MUR 4801, and this response.

Also, under Article II of our Constitution and By-Laws it states:

"This organization is civilian and shall not be used for the promotion of political candidates, partisan politics or issues and interests not authorized by the National Organization; and the use of its name, uniform, insignia and titles of rank, past or present, directly or indirectly for any such purposes, is expressly forbidden."

This is binding on all echelons of JWV.

### **THE EVIDENCE**

1. NSCSC "Release of Congressional Scorecard"
2. a. & b. Newspaper Coverage
3. Senator Reid's release
4. Post 711 Bulletin Coverage - July
5. Post 711 Bulletin Coverage August
6. Levenson letter August 18, 1998

### **THE PRAYER**

JWVUSA respectfully requests that the FEC dismisses any complaint involving its activities in this matter. It is obvious that a dispute between levels of the Senior Citizens group , and their differing over political issues, has no bearing on the manner in which JWV handled the matter. JWV took no position about the candidates. It neither endorsed nor recommended. Admirably, in its Bulletin, it published both sides of the issue in succeeding months.

Our organization, both locally and nationally, are particularly careful of the political arena. We do not endorse or recommend candidates.

Thanking you in advance for your consideration. I may be reached through our National office at the address above.

Sincerely yours,

Monroe E. Mayer  
National Judge Advocate

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4801

NAME OF COUNSEL: MONROE E. MAYER

FIRM: \_\_\_\_\_

ADDRESS: Jewish War Veterans of the USA

1811 R St. NW

Washington D.D. 20009

TELEPHONE: (202) 265-6280

FAX: (202) 234-5662

The above-named individual is hereby designated as my counsel  
and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

9/15/98

Date

Michael Berman

Signature

Michael Berman  
National Commander

RESPONDENT'S NAME: Post 711 & 65

Jewish War Veterans of the USA

ADDRESS: 1811 R St. NW

Washington D. C. 20009

TELEPHONE: HOME (202) 26506280

BUSINESS (202) 234-5662

# Nevada State Council of Senior Citizens



2808 Pamela Place

Minden, NV 89423

Phone No. 702-267-4411

Fax No. 702-267-3513

## SENIORS COUNCIL TO RELEASE CONGRESSIONAL SCORECARD

**\*\*\* NEWS ADVISORY \*\*\***

June 30, 1998

CONTACT: Mike Aupperle 870-5305

**Las Vegas** -- The Nevada State Council of Senior Citizens (NSCSC) will release its scorecard for the 105<sup>th</sup> Congress at a news conference in Las Vegas Wednesday beginning at 10:00 a.m.

Each year the National Council of Senior Citizens, NSCSC's parent organization, evaluates members of Congress to see how they voted on key senior issues such as Medicare and Medicaid, preserving Social Security and balancing the budget.

As part of Wednesday's event, NSCSC will highlight the records of Nevada Senators Harry Reid and Richard Bryan and Representatives John Ensign and Jim Gibbons.

Scorecard results will be available to the media on Wednesday along with reaction from Nevada seniors and members of the NSCSC Executive Board.

**WHAT: CONGRESSIONAL SCORECARD  
RELEASE**

**WHO: NEVADA STATE COUNCIL OF  
SENIOR CITIZENS (NSCSC)**

**WHEN: WEDNESDAY, JULY 1, 10:00 a.m.**

**WHERE: DULA GYMNASIUM STUDIO  
441 EAST BONANZA  
(BETWEEN MAIN AND L. V. BLVD. NEXT  
TO L.V. SENIOR CENTER)**

## NCSC Rates

## Heroes and Zeroes

The National Council of Senior Citizens has evaluated Members of the House and Senate on key votes they cast in the first session of the 105th Congress on issues of importance to older men and women.

The 1997 NCSC Voting Record features specific votes that, in our opinion, directly or significantly affect the interests of seniors and their families. Many of the votes selected were motions, on and amendments to, comprehensive bills such as the Fiscal 1998 Budget Reconciliation Act, the Consumer Price Index Adjustment Act and the Senior Citizens Home Equity Protection Act. Other votes selected were freestanding bills of great importance, such as the Senate Balanced Budget Constitutional Amendment bill.

Two major events marked the direction of the first session of the 105th Congress: the increase of Democratic seats in the House, which allowed the President to increase his influence over legislation and long-term national policy; and the balanced budget agreement between the Congressional leadership and President Clinton, which has fundamentally altered the political playing field in the aging community.

The budget agreement authorized the creation of a Bipartisan Commission on the Future of Medicare to offer recommendations for changes in the senior health care program to accommodate the needs of "Baby Boomers" over the next three decades. At the same time, the President has embarked on a series of Social Security "forums" to take place in 1998 that will culminate in a White House Conference on Social Security later in the year. Both the Medicare Commission and the White House Conference on Social Security will generate legislative options in 1999 that could change the social insurance substructure of both Social Security and Medicare.

So, how did Members of Congress respond to the challenge in 1997? Out of a possible 100 points, only one Senator scored "zero," while 15 had a perfect score of "100." In the House, two Members scored "zero," while 41 rated a score of "100."

## HEROES OF 1997

Senate:

Akaka, D. (HI)  
Boxer, B. (CA)  
Byrd, R. (WV)  
Daschle, T. (SD)  
Dorgan, B. (ND)  
Durbín, R. (IL)  
Inouye, D. (HI)  
Johnson, T. (SD)  
Kennedy, E. (MA)  
Lautenberg, F. (NJ)  
Leahy, P. (VT)  
Reed, J. (RI)  
Reid, H. (NV)  
Rockefeller, J. (WV)  
Sarbanes, P. (MD)

House:

Borski, R. (PA)  
Boucher, R. (VA)  
Clay, W. (MO)  
Conyers, J. (MI)  
Davis, D. (IL)  
Delahunt, W. (MA)  
Dellums, R. (CA)  
Engel, E. (NY)  
Filner, B. (CA)  
Frank, B. (MA)  
Gephardt, R. (MO)  
Gonzalez, H. (TX)

Gutierrez, L. (IL)  
Hastings, A. (FL)  
Hilliard, E. (AL)  
Jackson, J. (IL)  
Kaptur, M. (OH)  
Kilpatrick, C. (MI)  
Kennedy, J. (MA)  
Kennedy, P. (RI)  
Kucinich, D. (OH)  
McDermott, J. (WA)  
McGovern, J. (MA)  
McNulty, M. (NY)  
Mink, P. (HI)  
Moakley, J. (MA)  
Nadler, J. (NY)  
Oberstar, J. (MN)  
Obey, D. (WI)  
Payne, D. (NJ)  
Rahall, N. (WV)  
Rangel, C. (NY)  
Rush, B. (IL)  
Sanders, B. (VT)  
Serrano, J. (NY)  
Stark, P. (CA)  
Townsend, E. (NY)  
Velazquez, N. (NY)  
Watt, M. (NC)  
Waxman, H. (CA)  
Yates, S. (IL)

## ZEROES OF 1997

Senate:

Murkowski, F. (AK)

House:

Gingrich, N. (GA)  
Schiff, S. (NM)

NCSC encourages its members to use the voting record to let other seniors know how their legislators voted in 1997 with regard to senior programs such as Social Security, Medicare, senior housing and the Older Americans Act. One way to do this is by writing a "Letter to the Editor" noting the "Heroes" and "Zeroes" in your state.

To receive a free copy of the 1997 NCSC Voting Record, send a 310 business-sized self-addressed stamped envelope to the following address: 1997 NCSC Voting Record, Attention: Legislative Department, National Council of Senior Citizens, 8403 Colesville Road, Suite 1200, Silver Spring, Maryland 20910-5514. You can also check out the voting record on NCSC's web site: [www.NCSCinc.org](http://www.NCSCinc.org).

## Senior citizens' group praises Reid, blasts Ensign on votes

■ **All political,**  
**Ensign says: Calls**  
**council a liberal front.**

By Bill O'Driscoll  
RENO GAZETTE-JOURNAL

A Washington, D.C.-based senior citizens' interest group Wednesday lauded incumbent Sen. Harry Reid, D-Nev., for his votes on senior issues in 1997 while ding- ing his chief challenger, Rep. John Ensign, R-Las Vegas.

In ranking of senators and repre- sentatives on 10 votes affecting se- niors, the National Council of Se- nior Citizens gave Reid a perfect 100 score and Ensign a 40 for vot- ing against seniors six times.

Ensign dismissed the scorecard as politically motivated.

"This group has never supported a single Republican. It's just a front for liberals. There are conservative senior groups that score me high and Harry Reid low," Ensign said.

The National Council of Senior Citizens scorecard of all 535 mem- bers of Congress showed a trend of better grades for Democrats than Republicans.

Republican House Speaker Newt Gingrich was given a zero and Sen- ate Majority Leader Trent Lott, R- Miss., a 10.

By contrast, House Minority Leader Dick Gephardt, D-Mo., and Senate Minority Leader Tom Daschle, D-S.D., both scored per- fect 100s.

But in a Reno news conference, Scott Watts, president of the Neva- da State Council of Senior Citi- zens, said the organization is non- partisan.

See **SENIORS** on page 2D

## Seniors

From page 1D

"We're not picking on Republi- cans or Democrats. We're picking on their record," Watts said. "We don't care if they're Republican or Democrat, we'll fight the ones who try to take our benefits away. Their record is their record."

Many of the votes selected in the scorecard were motions or amend- ments to comprehensive bills such as the 1998 Budget Reconciliation Act and Senior Citizens Home Equ- ity Protection Act.

"These votes were critical to in-

creasing funding for elderly hous- ing and programs under the Older Americans Act, ensuring cost-of- living increases in Social Security, and protecting Medicare from ef- forts to cripple the program," Watts said.

Ensign singled out one of his votes as in line with Nevada's wish- es: yes on requiring a supermajor- ity vote in Congress to raise taxes.

"That's a good example of what Nevada would favor. In 1994 and '96, they overwhelmingly passed a similar law," he said of the re- quired two-thirds vote now in place to raise taxes in the Legislature.

Scores for Nevada's two other

federal lawmakers were mixed. Sen. Richard Bryan, D-Nev., was graded a 50 and Rep. Jim Gibbons, R-Reno, a 40.

## Ensign raps report that praises Reid

7/2/98  
A report issued by a seniors group on Wednesday gave U.S. Sen. Harry Reid glowing marks. But Republican Rep. John Ensign called the report by the National Council of Senior Citizens skewed and said the group is a "Democratic front."

Page 2B

# Seniors' group praises Reid, no GOP

Associated Press

7/2/98  
RENO — A seniors' group gave U.S. Sen. Harry Reid glowing marks Wednesday for his votes in Congress on issues important to senior adults, but was less complimentary to other members of Nevada's congressional delegation.

Republican Rep. John Ensign, who is challenging Reid for his Senate seat in this year's election, said the report by the National Council of Senior Citizens is skewed and called the group a "Democratic front."

"This group has never supported a Republican," he said.

Ensign said the report shows "Harry Reid standing with the Washington liberals, and the rest of the delegation — not. We're

standing with Nevadans."

The voting records of all four members of Nevada's congressional delegation were released during a news conference in Reno by the Nevada Council of Senior Citizens.

The group monitored 10 Senate votes taken in 1997 on issues or motions pertaining to Social Security, Medicaid, oversight of medical devices, senior programs, and balanced budget legislation.

Of those, Reid's votes reflected the group's position 100 percent

of the time, the report said.

Sen. Richard Bryan, a fellow Democrat, scored a 50 percent approval rating.

Votes in the House were monitored on similar issues, but not necessarily on the same bills or motions. The votes of Ensign and fellow Republican Rep. Jim Gibbons, coincided with the groups' stance only 40 percent of the time.

Scott Watts, president of the Nevada council, said the report is not meant as an endorsement.

UNITED STATES SENATOR FOR NEVADA

# HARRY REID

## FOR IMMEDIATE RELEASE

DATE: Wednesday, June 1, 1998  
 NUMBER: 98-173  
 CONTACT: Nancy Campanella (702) 686-5750  
 Megan K. Jones (202) 224-3542

## REID NAMED "HERO" BY NEVADA STATE COUNCIL OF SENIOR CITIZENS

LAS VEGAS— Nevada Senator Harry Reid expressed appreciation to the National Council of Senior Citizens (NCSC) for awarding him "Hero" status in their scorecard for the 105th Congress. The award was given at a press conference held earlier today by the Nevada State Council of Senior Citizens (NSCSC). Reid received a 100% rating from NCSC, a rating based on key votes affecting the interests of seniors and their families.

Among the votes members were evaluated on was Reid's own Senate proposal to exempt the Social Security trust fund from being included in the balanced budget. The NSCSC is a chapter of the National Council of Senior Citizens, which has been a leading voice for older Americans for 35 years and is one of the largest non-profit organizations in the United States. Reid was one of 15 Senate members to receive the "Hero" status this year.

"Nevada has one of the fastest growing senior populations in the country," Reid said. "I have long believed we must respect and care for our elders. That's why it has always been a top priority of mine to protect their interests. As a senior member of the Special Committee on Aging, I have the unique opportunity to craft legislation and address the concerns that are most important to seniors in the Silver State and throughout the nation."

Reid has consistently received high marks from NCSC during his 16 years in Congress.

"Keeping in touch with Nevada seniors helps me get a better feel for their needs," Reid continues. "I recently sponsored a two Senior Summits in Nevada to bring together experts in various fields with seniors to openly discuss their concerns. Seniors in Nevada know that I work hard for them and I will continue to be a strong leader in the fight to protect Social Security and Medicare for this generation of seniors and those that will follow."

6843 "T6E" 40" 66



## THE SENIOR CITIZENS PROTECTION ACT OF 1998 Fighting Fraud and Abuse by Nevada Senator Harry Reid

I value the opportunity, to represent Nevada's senior citizens in the U.S. Senate. Over the years I have had the opportunity to visit with thousands of Nevada's seniors and have always looked forward to the opportunity to hear their concerto first hand. It has been a top priority of mine to look out for especially those senior citizens who are most vulnerable. The Senior Citizens Protection Act of 1998, of which I am a proud co-sponsor, is a step in the right direction in achieving security for our seniors.

The Senior Citizens Protection Act of 1998 has two goals: 1) to stop health care fraud and; 2) to protect vulnerable seniors. How do we accomplish these goals without further bloating the federal government? By expanding on the authority of an already existing entity. The Medicaid Fraud Control Unit (MFCU), established in 1978, has the expertise and experience to warrant the expansion of their responsibilities. They merely lack the authority to get involved in non-Medicaid related fraud cases.

There are currently 47 federally certified Medicaid Fraud Control Units (MFCUs) across the country. We are fortunate to have one in Nevada. These Units are set up primarily to investigate and prosecute Medicaid provider fraud and examining allegations of patient abuse or neglect in facilities that directly receive funding from the Medicaid program. It is unfortunate that when MFCU investigators discover evidence of fraud in a Medicaid program which may be also happening in Medicare, or other federally funded health care programs, they are restricted from taking action. Under current law MFCUs are also only able to investigate patient abuse in medical facilities which receive Medicaid funds.

It is important to remember while most providers are honest, hard working professionals, unfortunately there are some that are not. The Senior Citizens Protection Act will give MFCUs the authority to go after the bad apples. The direct impact on Nevada's senior citizens would be tremendous. Nevada has 47 nursing homes and 54 adult group homes that fall within the new guidelines set forth in this bill. With the passage of this bill, seniors and other residents in these facilities would be protected regardless of whether the facility receives Medicaid funding or not. We owe them these protections.

During two recent Aging Committee field hearings that I held in Las Vegas and Reno, I heard first hand from Nevada's

Attorney General, Frankie Sue Del Papa, just how important this legislation is for our state. I believe this bill to be an important opportunity to reduce fraud and abuse in our Medicare programs. The Senior Citizens Protection Act is a welcome weapon in our arsenal to fight abuse.

At a time when Congress is debating the long term solvency of the Medicare system, we all need to be involved in the fight against Medicare fraud. Last year, the Medicare program recovered more than \$7.5 billion from Medicare vendors who fraudulently billed the Medicare system. Although this is good news, the Inspector General of the Department of Health and Human Services (HHS) has reported over \$20 billion in Medicare fraud and abuse occurred in 1997. Medicare fraud hurts everyone. It makes services more costly and puts a financial strain on the system that impacts every Medicare beneficiary.

HHS Secretary Donna Shalala recently announced a new program which make senior citizens who alert Medicare of fraudulent activities eligible for rewards if their information leads to the recovery of Medicare funds. This new program underscores the continuing contributions that older Americans make to our country, by encouraging them to work closely with their family members, colleagues and peers to fight fraud and abuse. It allows Nevada's senior citizens to be the eyes and ears in the field and adds another weapon to the arsenal in the fight against fraud and abuse and protecting the Medicare system.

Under this program, which starts in January 1999, rewards of up to \$1,000 will be paid to senior citizens and others who report fraud and abuse in the Medicare program. To receive a reward, the information reported must directly contribute to the recovery of Medicare funds for fraudulent activity. Rewards will be for 10% of the recovered overpayment or a \$1,000 maximum and will be financed from the collected overpayments, after all other fines and penalties have been paid.

Now, if Medicare beneficiaries or others spot Medicare being billed for services that were never provided; being billed twice for the same procedure; or being billed for a more expensive procedure than the one received, they can report those illegal activities and be rewarded for the effort.

Another effort being undertaken by HHS Secretary Donna Shalala will be the hiring of additional personnel to help fight fraud and abuse. The additional staff will review claims as submitted by Medicare vendors, such as hospitals, physicians and other providers, the HHS Inspector General and the Department of Justice. Under new authority provided by the 1996 Health Insurance Portability Act, which

I supported in the Senate, Medicare is expanding its authority to fight Medicare fraud to include more personnel who can bring new energy and ideas to this essential task.

This new proposed program will include ways to ensure that Medicare only pays for services and overhead costs that it legally obligated to pay; ensure that Medicare does not pay bills that should be paid by another provider; and educate Medicare recipients about how to spot and report potential fraud and abuse.

These new tools to fight Medicare fraud and Abuse will help build on the successful recoveries of illegal payments in 1997, and put in place a plan for doing even more to protect consumers and taxpayers from health care scams and unscrupulous providers. Although we have a long way to go, these new provisions will help reduce the number of Medicare fraud cases in Nevada and across the country.

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### REID NAMED "HERO" BY NEVADA STATE COUNCIL OF SENIOR CITIZENS

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"Nevada has one of the fastest growing populations in the country," Reid said. "I have long believed we must respect and care for our elders. That's why it has always been a top priority of mine to protect their interest. As a senior member of the Special Committee on Aging, I have the unique opportunity to craft legislation and address the concerns that are most important to seniors in the Silver State and throughout the nation."

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"Keeping in touch with seniors helps me get a better feel for their needs," Reid said.

CHARLES T. KANDEL POST 711

✓ AUGUST ISSUE

THE KRONIKL

This was received from  
Jonathan Levenson  
and addressed to the  
Editor.

To the Editor:

An inappropriate contact came to this office from a political party headquarters. It attempted an improper coordination of a partisan nature with our chapter, apparently including a "press conference."

Please know that our chapter is nonpartisan, as stated in our by-laws. Although our membership includes some of the most politically active individuals in our community, the chapter is non-partisan.

The chapter has no control over any other entities' actions or statements. If we need a press conference, the president of this chapter will call one.

As for scorecards - our chapter has a sign in sheet. If based on their representatives, both senators and congressmen would get an A for attendance.

Hopefully this will clear some of the confusion. We will write this off as a youthful indiscretion, and not an attempt to undermine the integrity of this organization. We trust it will not happen again.

Sincerely  
Jonathon Levenson  
President

Clark County Chapter #04530  
National Council of Senior  
Citizens

2680 Copper Cove Drive  
Henderson, NV 89014

702-897-8775

## POST 711 - LADIES AUXILIARY

### TRIBUTES GET WELL CARDS

To Leonard Herzog  
From Post 711 & Auxiliary

To Myer Moscovitch  
From Leah & Rocky Stone

To Art Rachild  
From Marianne & Myer  
Moscovitch  
Leah & Rocky Stone

### CONGRATULATIONS

To Victor Moss  
On promotion to MSGT  
From Sondra & Joe Schwartz

To Anita Moss  
On becoming a grandmother  
From Post 711 & Auxiliary

To the Wm. Haskowitz Family  
from Juliette & Morris Wolf

To Leonard Herzog  
On passing of wife Helen  
From Post 711 & Auxiliary

### BEST WISHES

To Phyllis & Ed Spitz  
On son's marriage  
From Post 711 & Auxiliary

### This is a Fund Raiser for the Auxiliary!

The cost is \$3.00  
per Card.

To send Tributes:  
Call  
JULIETTE WOLF  
898-3235

### PRESIDENTS MESSAGE by Phyllis Spitz

First of all, let me thank the women who have helped in the past. We are planning a lot of new beneficial and fun things to do. Projects are being planned for the future are:

A tour to the new Ronald McDonald house. Please let me know if you are interested.

We are making up Good Will Baskets for the holidays to be given to needy families. Let's help them to have a better holiday. Please bring dry and canned foods.

On October 18th we are having a speaker from Domestic Violence. Please don't forget women's and babies clothes, luggage and toiletries.

Please come to the meetings and help us enjoy our new activities. Lets make our auxiliary a successful one.

### Introducing

### J.W.V.A. Official Health Care Plans

Excellent Opportunities for You  
and Your Spouse to Help Cover  
Costs Not Covered under  
Medicare or Major Medical  
Coverage

1. **Limited Medical Expense Plan:**  
Reimbursement of blood, oxygen, rental of a wheelchair, hospital bed, etc.
2. **Hospital Income Protection:**  
Provides an income during hospitalization for up to one full year.
3. **Long Term Insurance:** Covers you if sickness or injury requires that you are confined to a nursing facility.
4. **Home Health Care:** Offers coverage for home health care professionals up to \$200.00 per day.
5. **HMO (U.S. Healthcare, United Health Care, Oxford Guardian)**
6. **Dental:** Available in Florida and New York.
7. **Annuities, Life and Financial Services.**

For Details call J.J. Weiser  
(516) 294-6152  
(800) 645-6177 (Outside NY)